

1 Ramon Rossi Lopez – [rlopez@lopezmchugh.com](mailto:rlopez@lopezmchugh.com)  
(California Bar Number 86361; admitted *pro hac vice*)  
2 Lopez McHugh, LLP  
100 Bayview Circle, Suite 5600  
3 Newport Beach, California 92660  
949-812-5771

4 Mark S. O'Connor (011029) – [mark.oconnor@gknet.com](mailto:mark.oconnor@gknet.com)  
5 Gallagher & Kennedy, P.A.  
2575 East Camelback Road  
6 Phoenix, Arizona 85016-9225  
602-530-8000

7 *Co-Lead/Liaison Counsel for Plaintiffs*

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF ARIZONA

10  
11 In Re Bard IVC Filters Products Liability  
12 Litigation

No. MD-15-02641-PHX-DGC

**PLAINTIFFS MOTION FOR LEAVE  
TO FILE UNDER SEAL**

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14  
15 Plaintiffs respectfully move this Court for an Order pursuant to the Stipulated  
16 Protective Order (MDL No. 2641, Doc. 268), Federal Rule of Civil Procedure  
17 26(c)(1)(G), and Local Civil Rule 5.6, sealing Exhibit 3 to Plaintiffs' Opposition to  
18 Defendants' Motion to Disqualify Robert Vogelzang, M.D. and Kush Desai, M.D. as  
19 Testifying Experts; and Scott Resnick, M.D. and Robert Lewandowski, M.D. as  
20 Consulting Experts for Plaintiffs. The exhibit is the Declaration Dr. Resnick, which  
21 addresses among other things his work pursuant to Consulting Agreements with Bard,  
22 which Bard has designated as confidential documents.

23 By filing under seal, Plaintiffs are not agreeing and expressly reserve their right to  
24 contest that the information is confidential. Plaintiffs reached out to Defendants  
25 requesting that they consent to this motion and have not heard back regarding this motion.

26 Accordingly, Plaintiffs request that the Court grant Plaintiffs' leave to file Exhibit  
27 3 under seal.  
28

1 RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of July 2017.

2 GALLAGHER & KENNEDY, P.A.

3 By: /s/Mark S. O'Connor

4 Mark S. O'Connor

5 2575 East Camelback Road

6 Phoenix, Arizona 85016-9225

7 LOPEZ McHUGH LLP

8 Ramon Rossi Lopez (CA Bar No. 86361)

9 (admitted *pro hac vice*)

10 100 Bayview Circle, Suite 5600

11 Newport Beach, California 92660

12 HAUSFELD LLP

13 Steven Rotman (admitted *pro hac vice*)

14 Richard S. Lewis (admitted *pro hac vice*)

15 1700 K Street N.W., Ste. 650

16 Washington, DC 20006

17 *Co-Lead/Liaison Counsel for Plaintiffs*

18 **CERTIFICATE OF SERVICE**

19 I hereby certify that on this 28<sup>th</sup> day of July 2017, I electronically transmitted the  
20 attached document to the Clerk's Office using the CM/ECF System for filing and  
21 transmittal of a Notice of Electronic Filing.  
22

23 /s/ Gay Mennuti